

# Senate File 61 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 1048)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the establishment of state and school  
2 antiharassment and antibullying policies, providing data  
3 collection and reporting requirements, and providing for  
4 immunity and other related matters.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 1219SV 82  
7 kh/cf/24

PAG LIN

1 1 Section 1. Section 280.12, subsection 2, Code 2007, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. f. Harassment or bullying prevention  
1 4 goals, programs, training, and other initiatives.  
1 5 Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING  
1 6 PROHIBITED == POLICY == IMMUNITY.  
1 7 1. PURPOSE == FINDINGS == POLICY. The state of Iowa is  
1 8 committed to providing all students with a safe and civil  
1 9 school environment in which all members of the school  
1 10 community are treated with dignity and respect. The general  
1 11 assembly finds that a safe and civil school environment is  
1 12 necessary for students to learn and achieve at high academic  
1 13 levels. Harassing and bullying behavior can seriously disrupt  
1 14 the ability of school employees to maintain a safe and civil  
1 15 environment, and the ability of students to learn and succeed.  
1 16 Therefore, it is the policy of the state of Iowa that school  
1 17 employees, volunteers, and students in Iowa schools shall not  
1 18 engage in harassing or bullying behavior.  
1 19 2. DEFINITIONS. For purposes of this section, unless the  
1 20 context otherwise requires:  
1 21 a. "Harassment" and "bullying" shall be construed to mean  
1 22 the same and mean any conduct toward a student which is based  
1 23 on any actual or perceived trait or characteristic of the  
1 24 student and which creates an objectively hostile school  
1 25 environment that meets one or more of the following  
1 26 conditions:  
1 27 (1) Places the student in reasonable fear of harm to the  
1 28 student's person or property.  
1 29 (2) Has a substantially detrimental effect on the  
1 30 student's physical or mental health.  
1 31 (3) Has the effect of substantially interfering with a  
1 32 student's academic performance.  
1 33 (4) Has the effect of substantially interfering with the  
1 34 student's ability to participate in or benefit from the  
1 35 services, activities, or privileges provided by a school.  
2 1 b. "Trait or characteristic of the student" includes but  
2 2 is not limited to age, color, creed, national origin, race,  
2 3 religion, marital status, sex, sexual orientation, gender  
2 4 identity, physical attributes, physical or mental ability or  
2 5 disability, ancestry, political party preference, political  
2 6 belief, socioeconomic status, or familial status.  
2 7 c. "Volunteer" means an individual who has regular,  
2 8 significant contact with students.  
2 9 3. POLICY. On or before September 1, 2007, the board of  
2 10 directors of a school district and the authorities in charge  
2 11 of each accredited nonpublic school shall adopt a policy  
2 12 declaring harassment and bullying in schools, on school  
2 13 property, and at any school function, or school-sponsored  
2 14 activity regardless of its location, in a manner consistent  
2 15 with this section, as against state and school policy. The

2 16 board and the authorities shall make a copy of the policy  
2 17 available to all school employees, volunteers, students, and  
2 18 parents or guardians and shall take all appropriate steps to  
2 19 bring the policy against harassment and bullying and the  
2 20 responsibilities set forth in the policy to the attention of  
2 21 school employees, volunteers, students, and parents or  
2 22 guardians. Each policy shall, at a minimum, include all of  
2 23 the following components:  
2 24 a. A statement declaring harassment and bullying to be  
2 25 against state and school policy. The statement shall include  
2 26 but not be limited to the following provisions:  
2 27 (1) School employees, volunteers, and students in school,  
2 28 on school property, or at any school function or school=  
2 29 sponsored activity shall not engage in harassing and bullying  
2 30 behavior.  
2 31 (2) School employees, volunteers, and students shall not  
2 32 engage in reprisal, retaliation, or false accusation against a  
2 33 victim, witness, or an individual who has reliable information  
2 34 about such an act of harassment or bullying.  
2 35 b. A definition of harassment and bullying as set forth in  
3 1 this section.  
3 2 c. A description of the type of behavior expected from  
3 3 school employees, volunteers, parents or guardians, and  
3 4 students relative to prevention measures, reporting, and  
3 5 investigation of harassment or bullying.  
3 6 d. The consequences and appropriate remedial action for a  
3 7 person who violates the antiharassment and antibullying  
3 8 policy.  
3 9 e. A procedure for reporting an act of harassment or  
3 10 bullying, including the identification by job title of the  
3 11 school official responsible for ensuring that the policy is  
3 12 implemented, and the identification of the person or persons  
3 13 responsible for receiving reports of harassment or bullying.  
3 14 f. A procedure for the prompt investigation of complaints,  
3 15 either identifying the school superintendent or the  
3 16 superintendent's designee as the individual responsible for  
3 17 conducting the investigation, including a statement that  
3 18 investigators will consider the totality of circumstances  
3 19 presented in determining whether conduct objectively  
3 20 constitutes harassment or bullying under this section.  
3 21 g. A statement of the manner in which the policy will be  
3 22 publicized.  
3 23 4. PROGRAMS ENCOURAGED. The board of directors of a  
3 24 school district and the authorities in charge of each  
3 25 accredited nonpublic school are encouraged to establish  
3 26 programs designed to eliminate harassment and bullying in  
3 27 schools. To the extent that funds are available for these  
3 28 purposes, school districts and accredited nonpublic schools  
3 29 shall do the following:  
3 30 a. Provide training on antiharassment and antibullying  
3 31 policies to school employees and volunteers who have  
3 32 significant contact with students.  
3 33 b. Develop a process to provide school employees,  
3 34 volunteers, and students with the skills and knowledge to help  
3 35 reduce incidents of harassment and bullying.  
4 1 5. IMMUNITY. A school employee, volunteer, or student, or  
4 2 a student's parent or guardian who promptly, reasonably, and  
4 3 in good faith reports an incident of harassment or bullying,  
4 4 in compliance with the procedures in the policy adopted  
4 5 pursuant to this section, to the appropriate school official  
4 6 designated by the school district or accredited nonpublic  
4 7 school, shall be immune from civil or criminal liability  
4 8 relating to such report and to participation in any  
4 9 administrative or judicial proceeding resulting from or  
4 10 relating to the report.  
4 11 6. COLLECTION REQUIREMENT. The board of directors of a  
4 12 school district and the authorities in charge of each  
4 13 nonpublic school shall develop and maintain a system to  
4 14 collect harassment and bullying incidence data.  
4 15 7. INTEGRATION OF POLICY AND REPORTING. The board of  
4 16 directors of a school district and the authorities in charge  
4 17 of each nonpublic school shall integrate its antiharassment  
4 18 and antibullying policy into the comprehensive school  
4 19 improvement plan required under section 256.7, subsection 21,  
4 20 and shall report data collected under subsection 6, as  
4 21 specified by the department, to the local community.  
4 22 8. EXISTING REMEDIES NOT AFFECTED. This section shall not  
4 23 be construed to preclude a victim from seeking administrative  
4 24 or legal remedies under any applicable provision of law.  
4 25 EXPLANATION  
4 26 This bill relates to harassment and bullying of elementary

4 27 and secondary school students and establishes a state policy  
4 28 that school employees, volunteers, and students in Iowa  
4 29 schools shall not engage in harassing or bullying behavior.  
4 30 The bill adds to the list of school improvement advisory  
4 31 committee recommendation areas, that school districts and  
4 32 schools must consider the committees' recommendations  
4 33 regarding harassment or bullying prevention goals, programs,  
4 34 training, and other initiatives.

4 35 The bill defines "harassment" and "bullying" to mean any  
5 1 conduct toward a student that is based on any actual or  
5 2 perceived trait or characteristic, which is also defined in  
5 3 the bill; that creates an objectively hostile education  
5 4 environment; and that meets one or more of the conditions  
5 5 specified in the bill.

5 6 The bill requires school boards and accredited nonpublic  
5 7 schools to have a policy in place by September 1, 2007, that  
5 8 states that school employees, volunteers, and students shall  
5 9 not engage in harassing or bullying behavior. The policy must  
5 10 be distributed to all concerned, define harassment and  
5 11 bullying, describe the behavior expected from all concerned,  
5 12 describe the consequences and appropriate remedial action for  
5 13 violation of the policy, include a procedure for reporting  
5 14 incidents, identify persons responsible for receiving reports,  
5 15 include a procedure for the prompt investigation of  
5 16 complaints, and list a range of sanctions and remedial actions  
5 17 that can be taken with regard to confirmed incidents. The  
5 18 policy also must prohibit reprisal, retaliation, or false  
5 19 accusation against a victim, witness, or an individual who has  
5 20 reliable information about an act of harassment or bullying.

5 21 The bill encourages school boards and schools to establish  
5 22 programs designed to eliminate harassment and bullying in  
5 23 schools, to provide training on antiharassment and  
5 24 antibullying policies, and to develop a process to help reduce  
5 25 incidents of harassment and bullying.

5 26 The bill provides immunity from civil or criminal liability  
5 27 to school employees, volunteers, and students and their  
5 28 parents or guardians who report an incident of harassment or  
5 29 bullying promptly, reasonably, and in good faith. Existing  
5 30 administrative or legal remedies available to a victim are  
5 31 unaffected by the provisions of the bill. The bill requires  
5 32 schools to integrate their policies into their comprehensive  
5 33 school improvement plans, which are submitted to the  
5 34 department, and requires that data collected for the plan be  
5 35 reported to the local community.

6 1 LSB 1219SV 82

6 2 kh:rj/cf/24